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AT CHANDIGARH**

**CRM-M-16325-2019 (O&M)**

**Date of decision:13.09.2019**

Kuldeep Singh alias Keepa

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present:     Mr. Hitesh Sood, Advocate  
                  for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

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**RAJBIR SEHRAWAT, J. (ORAL)**

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.0094 dated 29.05.2018 under Sections 22/61/85 of NDPS Act, registered at Police Station Bagha Purana, District Moga.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. It is further contended that even as per the case of the prosecution, the alleged recovery from the petitioner is of 200 grams of powder, allegedly containing the prohibited substance Alprazolam. However, as per the FSL report, the quantity of prohibited substance found in the material is only 0.18%, which comes out to be only 0.36 grams in the entire recovery. Hence, it is submitted that the alleged recovery of the prohibited substance from the petitioner is less than even the small quantity prescribed for the substance. Learned counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018.*** Still further, it is contended that the petitioner is in custody since 29.09.2018. There is no other case against the petitioner. Prosecution

evidence is already going on, therefore, the petitioner is not required for any investigation purpose. The trial shall take a long time.

On the other hand, learned State counsel, on instructions, submits that the huge recovery of prohibited substance has been effected from the petitioner. However, he has not denied the FSL report, which shows less than even the small quantity in the entire material recovered from the petitioner. It is also not disputed that there is no other case against the petitioner.

In view the above submissions made by counsel for the petitioner, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**13.09.2019**  
Hemlata

Whether speaking/reasoned                      Yes / No

Whether reportable                                  Yes / No